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Notice of Allowability	Application No.	Applicant(s)	
	10/025,206	KAPILOFF, DAVID	
	Examiner	Art Unit	
	Boyer D. Ashley	3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

- 1. ☒ This communication is responsive to 4/9/04.
- 2. ☒ The allowed claim(s) is/are 1-22.
- 3. ☒ The drawings filed on 19 December 2001 are accepted by the Examiner.
- 4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 - 1. ☐ Certified copies of the priority documents have been received.
 - 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

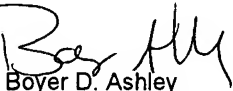
- 5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
- 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

- 7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |


 Boyer D. Ashley
 Primary Examiner
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EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Stephen E. Bondura on 5/26/04.

The application has been amended as follows:

In claim 1, line 12, replace "town" with --towel--;

In claim 1, line 14, replace "... slot the sheet of towel material is severed to ..." with --... slot after the sheet of towel material is severed to...--;

In claim 1, line 15, replace "tail of the next sheet of towel material;" with --tail of a subsequent sheet of towel material;--;

In claim 4, line 14, replace "tail of the next sheet of towel material;" with --tail of a subsequent sheet of towel material;--;

In claim 14, line 14, replace "tail of the next sheet of towel material;" with --tail of a subsequent sheet of towel material;--;

In claim 14, line 25, insert --a control circuit operably configured with said motor and said feed mechanism to automatically switch said feed mechanism between said first and second operational states,-- between "and" and "wherein";

In claim 17, line 14, replace "tail of the next sheet of towel material;" with --tail of a subsequent sheet of towel material;--;

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In claim 20, line 12, replace "town" with --towel--;

In claim 20, line 14, replace "... slot the sheet of towel material is severed to ..."
with --... slot after the sheet of towel material is severed to...--;

In claim 20, line 15, replace "tail of the next sheet of towel material;" with --tail of
a subsequent sheet of towel material;--;

In claim 21, line 14, replace "the tail of the next sheet of towel material;" with --a
tail of a subsequent sheet of towel material;--;

In claim 21, line 13, replace "feed" with --fed--.

2. The following is an examiner's statement of reasons for allowance:

As to claims 1 and 20, the prior art of record fails to anticipate or make obvious the structure, *inter-alia*, of the combination of a an electro-mechanical feed mechanism having two operational states. The first operational state allowing for a user to grasp and manually pull on a tail end of a towel sheet extending from the dispensing slot such that the sheet of towel material is dispensed from the dispensing slot of the dispenser. The second operational state having means for automatically dispensing an additional measured length of towel material after the sheet of material has been severed by the user, in the first operational state, from the dispenser/roll such that a tail of a subsequent sheet of towel material is extending from the dispensing slot ready for a user to grasp and pull another sheet of towel material from the dispenser.

As claim 4, the prior art of record fails to anticipate or make obvious the structure, *inter-alia*, of a combination of a dispenser having an electro-mechanical feed mechanism, as defined in claim 4, with two operational states and a brake mechanism

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operably disposed to the feed roller, wherein the brake stops rotation of the feed roller upon a measured amount of towel material has been pulled by a user thereby preventing the user from receiving subsequent sheets of towel material.

As claims 14 and 21, the prior art of record fails to anticipate or make obvious the structure, *inter-alia*, of a combination of a dispenser having an electro-mechanical feed mechanism, as defined in claim 14, with two operational states and a power supply with a power switch, wherein the switch is closed to the power supply and motor when a measured sheet is severed from the towel material by the user and the switch is opened upon a measured amount of tail material is extending from the dispensing slot. The feed mechanism comprises a feed roller driven by the motor in the second operational state and freely rotatable in the first operational state (manually rotatable by the user). The control circuit uses a revolution counter operatively configured with the feed roller to provide a trigger signal to open the motor power switch upon the measured amount of tail being extended from the dispensing slot.

As to claim 17, the prior art of record fails to anticipate or make obvious the structure, *inter-alia*, of a combination of a dispenser having an electro-mechanical feed mechanism, as defined in claim 17, with two operational states, a power supply, as defined in claim 17, and a tear blade disposed in said housing downstream of the feed mechanism in a running direction of the towel material, such that when a user severs the towel material against the tear blade a tear blade sensor detects the movement of the blade and generates a signal to close the motor power switch.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably


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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Boyer D. Ashley whose telephone number is 703-308-1845. The examiner can normally be reached on Monday-Thursday 7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on 703-308-1082. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Boyer D. Ashley
Primary Examiner
Art Unit 3724

BDA
May 26, 2004